

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) RN058 (2635-019-03)									
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	First Named Inventor Sabin Belu										
	Art Unit 2166	Examiner Srirama Channavajjala									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding: 5px;">/CAWiklof/ _____ Signature</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding: 5px;">Christopher A. Wiklof _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number 43,990</td><td style="vertical-align: top; padding: 5px;">425-455-5575 _____ Telephone number</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; padding: 5px;">10/6/2009 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/CAWiklof/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Christopher A. Wiklof _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 43,990	425-455-5575 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	10/6/2009 _____ Date
<input type="checkbox"/> applicant/inventor.	/CAWiklof/ _____ Signature										
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<input checked="" type="checkbox"/> attorney or agent of record. Registration number 43,990	425-455-5575 _____ Telephone number										
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	10/6/2009 _____ Date										
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.											

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	: Sabin Belu	Confirmation No.	: 8657
Application No.	: 09/818,134	Group Art Unit	: 2166
Filing Date	: March 27, 2001	Examiner	: Srirama Channavajjala
Docket No.	: RN058 (2635-019-03)	Customer No.	: 72455
Title	: SYSTEM AND METHOD FOR CREATING SELF-EXTRACTING FILES		

REASONS FOR ALLOWABILITY

Rejection of Claims 1-10, 20, 24, 26, 27, 31-33 Under 35 U.S.C. § 102(e) Over Halpern et al. (U.S Pat. No. 6,282,711)

Claim 1

Claim 1 recites receiving, from a user enabled electronic device, an input file to be used in creating a self-extracting file; and without further action by the user enabled electronic device, creating a self-extracting file using the input file. Claim 1 also recites that the input file is configured to automatically launch upon execution of the self-extracting file.

Halpern does not disclose receiving an input file to be used in creating a self-extracting file from a user-enabled electronic device.

Halpern discloses receiving from a user a selection of a subset of software application “components and options” available for installation. Halpern does not anywhere disclose that a user-enabled electronic device sends any input file to Halpern’s server.

Contrary to the Examiner’s contention, Halpern column 5, lines 41-44, do not disclose receiving an input file from a user-enabled electronic device. Rather, column 5,

**37 CFR §1.8
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/Renise Fung/
Renise Fung

October 6, 2009
Date

lines 41-44 of Halpern discloses providing one of three selected user interfaces, UI-1, UI-2, or UI-3 to the user for selecting application components and options.

Halpern does not even disclose that the user-enabled electronic device *selects* an input file. Following Halpern's selection of components and options, an options manager retrieves metadata from a database, an installer set generator accesses a component pool to produce a custom set of files corresponding to the user's selections, an installer set generator submits the custom set of files to a packager, and the packager appends a client installer and submits the combined custom files and installer to a compressor [column 7, lines 23 – 38]. The "components and options" of Halpern are program functionalities that do not have a one-to-one correspondence with files. Therefore, even if one incorrectly reads claim 1 such that receiving an input file "from a user-enabled electronic device" means the same thing as receiving a user-selected input file from "*anywhere*," Halpern still does not disclose receiving such an input file.

Halpern does not disclose creating a self-extracting file using the input file without further action by the user enabled electronic device.

This is simply nowhere to be found.

Even if user selection of "components and options" is incorrectly assumed equivalent to receiving an input file, Halpern is, at best, silent regarding further action.

Halpern does not disclose the input file is configured to be automatically launched upon execution of the self-extracting file.

Even if one incorrectly assumes Halpern discloses receiving an input file, Halpern still does not disclose that the file is configured to be automatically launched.

Halpern discloses that the compressed files (which are NOT an "input file") are configured to be automatically extracted upon execution of the self-extracting file. Automatic extraction of a file is not the same as automatically launching the file that is extracted. Moreover, by comparing Halpern's Step 7 to Step 12 [column 7, lines 55-56], it is apparent that Halpern's "*input file*" is not even automatically *installed* upon execution of the self-extracting file. The client installer program is a separate entity, as evidenced by Halpern's indication that the user executes the retrieved file *and* runs the client installer. A program that is not installed automatically also cannot be launched automatically.

Response to Examiner Statements

Halpern column 3, lines 42-49 and Fig. 1 apparently bears no relation to the recited limitations of claim 1. Halpern does not mention anything that could remotely be interpreted as “auto-start” at the cited location.

Halpern column 3, lines 23-25; column 3, lines 62-67; column 4, lines 1-5 do not appear to be in any way related to the recitation of claim 1. Halpern column 6, lines 47-52 contains its own rebuttal of the Examiner’s position as described above.

The Applicant’s agent does not find in Halpern disclosure of an “auto-launch” or “auto-start” feature that relates to the recitation of claim 1. There is a mention of an “auto-start utility” at column 6, line 49, but that is not related to the recitation of claim 1. Halpern apparently only includes this in a list of possible program components and does not describe what it is. It is suggested that perhaps this relates to a program component that can automatically launch an application responsive to clicking on a linked data file type. But that is not what is recited by claim 1.

Accordingly, Halpern does not disclose all the limitations of claim 1, and claim 1 is allowable over Halpern.

Claims 2-9

Claims 2-9 are allowable by virtue of their dependence from claim 1. Moreover, with respect to claim 2, Halpern is apparently silent on the names of files.

Claims 10, 20, 24, 26, 27, and 31-33

Claims 10, 20, 24, 26, 27, and 31-33 are allowable for reasons similar to those given for claim 1.

Rejection of Claims 21-23 Under 35 U.S.C. § 102(e) Over Wygodny et al. **(U.S Pat. No. 6,202,199)**

Claim 21

Claim 21 recites “the received input file is automatically configured as a self-extracting file, and wherein the input file is automatically launched upon execution of the self-extracting file...”.

Wygodny discloses: “At the end of installation, the user 110 can launch the agent 102.” [column 17, lines 1-2] If Wygodny’s agent 102 was automatically launched

upon execution of the self-extracting file, then the agent would already be launched. Thus Wygodny does not disclose “the input file is automatically launched upon execution of the self extracting file.” Claim 21 is allowable because Wygodny does not disclose all the limitations of Claim 21.

Claim 22

Claim 22 recites a receiving module configured to receive an input file, wherein the input file received is one of a plurality of file types, and a naming module configured to create and name an output file.

In contrast, Wygodny does not disclose receiving an input file, wherein the input file received is one of a plurality of file types. On page 12 of the instant Office Action, the Examiner cites “col 9, line 9-13, line 57-62, col 12, line 24-35” to show that Wygodny teaches this limitation. However, to the extent that Wygodny discloses any “receiving module,” it does so only with respect to the ability to receive executable files in order to trace the operations of those executable files. Referring, *e.g.*, to column 9 lines 9-62 and column 12 lines 24-35, the executable files selectable as input files have a single file format. Moreover, Wygodny does not disclose a naming module wherein an output filename is generated from the associated filename of the input file.

Claim 22 further recites a self-extracting module configured to transform an output file into a executable file. Although the Examiner does not provide a citation to show this limitation, Applicant's agent can find no instance within the Wygodny reference that teaches transforming an output file into an executable file. Referring to column 16 lines 41-44 and column 17 lines 1-12, Wygodny discloses distributing the tracing agent program to the user as a self-extracting zip file. That tracing agent program, however, is not “an output file” as recited by claim 22.

The self extracting file produces a file that is not automatically launched. According to Wygodny at column 17, lines 1-2: “At the end of installation, the user 110 can launch the agent 102.” If the agent was automatically launched upon extraction, it would not be necessary for the user to launch the agent.

Wygodny does not disclose all the limitations of claim 22, and Claim 22 is allowable over Wygodny.

Claim 23

Claim 23 is allowable at least by virtue of its dependence from claim 22.

Rejection of Claims 11-19, 25, 28-29, 30, 34 Under 35 U.S.C. § 103(a) Over Halpern et al. in View Of Gage et al. (U.S. Pat. No. 5,923,846)

The Examiner has not made a prima facie case for obviousness.

Claims 11-19

Claims 11-19 are allowable at least by virtue of their respective dependence from claim 10.

Claim 25 and 28-30

Claims 25 and 28-30 are allowable for reasons similar to those given for claim 1.

Claim 34

Claim 34 is allowable at least by virtue of its dependence from claim 32.

Halpern and Gage, alone and in combination, fail to disclose or reasonably suggest all the limitations of claims 11-19, 25, 28-29, 30, and 34, and the claims are allowable over Halpern and Gage.

For reasons described above, the claims are in condition for allowance, which is earnestly solicited.

Dated this 6th day of October, 2009.

Respectfully submitted,

/CAWiklof/

Christopher A. Wiklof
Registration No. 43,990

Customer No. 72455
Graybeal Jackson LLP
155 - 108th Avenue NE, Suite 350
Bellevue, Washington 98004-5973
Telephone: 425.455.5575
Facsimile: 425.455.1046